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Attorney For Plaintiffs,
DAREN HEATHERLY and
IRMA RAMIREZ

UNITED STATES DISTRICT COURT
DISTRICT OF CALIFORNIA

DAREN HEATHERLY and
IRMA RAMIREZ

Plaintiffs,

v.

O'DONNELL'S FAIRFAX NURSERY;
LINDSAY PAUL O'DONNELL; and
O'DONNELL ENTERPRISES, INC., a
California Corporation dba
O'DONNELL'S FAIRFAX NURSERY

Defendants.

CASE NO. 4:14-cv-02473-KAW

**STIPULATION OF DISMISSAL
AND ~~PROPOSED~~ ORDER
THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action
2 through their designated counsel that the above-captioned action become and hereby is
3 dismissed with prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

6
7 Dated: November 10, 2014

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

8
9 By: /s/ Thomas E. Frankovich
10 Thomas E. Frankovich
11 Attorney For Plaintiffs , DAREN HEATHERLY
12 and IRMA RAMIREZ

13 Dated: November 10, 2014

ALLMAN & NIELSEN PC

14 Approval given
15 11/10/14

16 By: /s/ Sara B. Allman
17 Sara B. Allman
18 Attorney for Defendants LINDSAY PAUL
19 O'DONNELL; and O'DONNELL ENTERPRISES,
20 INC., a California Corporation dba O'DONNELL'S
21 FAIRFAX NURSERY

22 **ORDER**

23 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
24 Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
25 the purpose of enforcing the parties' Settlement Agreement and General Release should such
26 enforcement be necessary

27 Dated: 11/12, 2014

28 Kandis Westmore
Honorable Magistrate Kandis A. Westmore
UNITED STATES DISTRICT JUDGE